



U.S. Department of Justice

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December 8, 2017

Molly Dwyer  
Clerk of Court  
U.S. Court of Appeals  
P.O. Box 193939  
San Francisco, CA 94119-3939  
(Via Ninth Circuit CM/ECF)

Re: *United States v. Lynch*, C.A. Nos. 10-50219, 10-50264  
(Not yet calendared)

Dear Ms. Dwyer:

The Court recently informed the parties that the above matter is being considered for oral argument for the Pasadena calendar sittings for “March 2018 and the two subsequent sitting months.”

I am handling the government’s oral argument this matter, as I am the lead drafter of all the government’s briefing as well as the only trial counsel still working for the government. I am also lead trial counsel in a district court case which all parties expect to start trial on February 27, 2018 in the Central District of California, *United States v. Bankston*, C.D. Cal. Case No. CR 16-512-PSG. In the most recent scheduling stipulation in that case, the parties stated that the government’s case-in-chief alone in that trial will last approximately two weeks. In light of this trial commitment, and the fact that this appellate matter concerns extensive briefing and numerous issues, it

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will not be feasible for me to prepare for and conduct the oral argument in this matter if it were calendared during the March 2018 sitting.

Very truly yours,

SANDRA R. BROWN  
Acting United States Attorney

*/s/ David Kowal*

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